

### **REMARKS**

Applicants have carefully reviewed the Office Action mailed on September 4, 2009. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. Claims 1, 7, 37, 39, 40, 42 and 43 are presented for examination.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 1, 37, 39, 40 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kline in U.S. Patent No. 5,376,094 in view of Savage in U.S. Patent No. 6,530,899. Applicants respectfully traverse the rejection.

Regarding claim 1, this claim recites that the swivel includes a swivel body and a bearing disposed within the swivel body. The Office Action indicated that Savage teaches these limitations, citing column 3, lines 44-49. Applicants believe that the art has been mischaracterized.

Savage discloses a catheter tip housing 122 that is attached to a bushing 114. Col. 3, lines 7-10. A swivel wire 104 extends through the bushing 114 and a ball 116 is formed at the end of the swivel wire 104 to prevent the swivel wire 104 from being withdrawn from the bushing 114.

Based on the forgoing, Savage discloses a structure that can be “swiveled” (e.g., the catheter tip housing 122) and a swivel assembly for effecting such motion (e.g., the bushing 114 and the swivel wire 104).

It appears as though Savage may disclose a “swivel body” (e.g., the bushing 114). However, a bearing is not disposed within the bushing 114. Instead, only the swivel wire 104 extends within the bushing 114. The swivel wire 104 is not a bearing.

Should the swivel wire 104 be interpreted as a bearing, which we respectfully traverse, then the swivel assembly would lack the claimed shaft, which the distal end of is coupled to the swivel as recited in claim 1.

Based on the forgoing, Applicants respectfully submit that Savage does not teach or suggest all the limitations of the claimed invention. Kline does not cure the deficiencies of Savage. Accordingly, even if Savage is combined with Kline, which Applicants expressly do not concede as being proper, the combination would still fail to teach or suggest all the limitations of claim 1. Because of this, Applicants respectfully submit that claim 1 is patentable over the cited

art.

Regarding claim 37, this claim similarly recites a swivel including a swivel body and a bearing disposed within the swivel body. For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that claim 37 is patentable over the cited art.

Regarding claims 39, 40 and 43, claim 39 similarly recites that the swivel includes a swivel body and a bearing disposed within the swivel body. For reasons similar to those set forth above in relation to claims 1 and 37, Applicants respectfully submit that claim 39, as well as claims 40 and 43 depending therefrom, is patentable over the cited art.

Claims 7 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kline in view of Savage as applied to claims 1, 37, 39, 40 and 43 above, and further in view of Fleury Jr. in U.S. Patent No. 4,326,530. For the reasons set forth above, Applicants respectfully submit that claims 1 and 39 are patentable over Kline and Savage. Fleury, Jr. does not overcome the shortcomings of the cited art. Consequently, Applicants respectfully submit that claims 1 and 39 are patentable over the combination of Kline, Savage, and Fleury, Jr., to the extent that such a combination is even possible. Because claims 7 and 42 depend from patentable claims 1 and 39, respectively, Applicants respectfully submit that these claims are also patentable over the cited art.

### **Conclusion**

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,



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